September 7, 2007

Honorable Valerie A. Woodruff
Secretary of Education
Delaware Department of Education
John G. Townsend Building
401 Federal Street
Dover, Delaware 19901

Dear Secretary Woodruff:

During the week of May 14, 2007, a team from the State Grants Division, Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students (OELA), U.S. Department of Education (ED) reviewed the Delaware Department of Education’s administration of Title III, Part A under the No Child Left Behind (NCLB) Act of 2001. Enclosed is the monitoring report based upon that review.

The report contains findings and required corrective actions, recommendations and commendations that the team cited as a result of the review. Within 30 days of the receipt of this letter, please provide us with details about the corrective actions your office has taken, or will take, to address the findings.

The OELA team would like to thank your staff members for their hard work and cooperation in gathering materials and providing access to information in a timely manner.

We look forward to working further with the State to assist in improving the delivery of Title III services to English language learners. Please send your State’s response by express courier to Kathleen Leos to the address below, and an electronic copy to the OELA Program Specialist.

Kathleen Leos, Assistant Deputy Secretary and Director
Office of English Language Acquisition
U.S. Department of Education
Potomac Center Plaza, 550 12th Street, SW, Room 10087
Washington, D.C. 20024

Sincerely,

Kathleen Leos
Associate Deputy Secretary and Director

cc: Margaret Loveland, Title III Director

Enclosure
Scope of Review: A team from the Office of English Language Acquisition, U. S. Department of Education (ED), conducted an on-site review at the Delaware Department of Education (DEDOE) May 15-18, 2007. This was a comprehensive review to determine the extent to which DEDOE is carrying out its responsibilities for overall administration and oversight of Title III, Part A, of the Elementary and Secondary Education Act (ESEA), as reauthorized by the No Child Left Behind (NCLB) Act. The fiduciary review was conducted the week of November 13, 2006 by staff from the Office of the Chief Financial Office (OCFO).

During the review, the U.S. Department of Education’s monitoring team conducted several monitoring activities. The team reviewed evidence of the implementation of the State’s Title III accountability system, and compliance with other Federal fiscal and administrative requirements. The team also conducted monitoring visits to two local education agencies (LEA’s).

Delaware Department of Education Representatives:
Ronald Houston, Director, School Improvement
Martha Brooks, Associate Secretary, Curriculum and Instructional Improvement
Jerry Gallagher, Director, Finance and Administrative Services
Wendy Roberts, Director, Assessment and Analysis
Margaret Loveland, Education Specialist, Bilingual/ESL Programs
Ted Jarrell, Education Associate, Assessment & Accountability Branch
Fran Kellam, Education Specialist, Curriculum & Instructional Improvement Branch
Tammy Korosec, Education Associate, Finance and Administrative Services

Red Clay Consolidated School District Representatives:
Mary Norris, Assistant Superintendent
Ariadna Clare, Manager, English Language Learners
Caridad Alonso, Spanish Reading Specialist, William C. Lewis Elementary School
Barbara Prillaman, ESL Teacher, Conrad Middle School
Maria Madera, Social Worker, Conrad Middle School
Miosotis Ferrer, Parent

Indian River School District Representatives:
Susan Bunting, Superintendent
Tracey Hudson, Supervisor, Elementary Education
Duncan Smith, Principal, Frankford Elementary School
Lori Ott, ESL Teacher, Selbyville Middle School
Marisa Hockman, ESL Teacher, Sussex Central Middle School
Terri Penuel, ESL Teacher
Pam Warrington, ESL Teacher, East Millsboro Elementary School
U.S. Department of Education Representatives:
Margarita Pinkos, Associate Assistant Deputy Secretary, OELA
Petraine Johnson, Education Program Specialist, OELA
Margarita Ackley, Education Program Specialist, OELA
David Chege, Internal Control Evaluation Service, OCFO

Previous Audit Findings: None

Previous Monitoring Findings: None. This was the first Title III monitoring visit.
### Summary of Title III, Part A Monitoring Indicators

<table>
<thead>
<tr>
<th>Element Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>Element 1.1</td>
<td>State Submissions: Follow-up on areas identified through desk audit and document reviews</td>
<td>Finding Cited in Attachment T Conditions</td>
<td>7</td>
</tr>
<tr>
<td>Element 2.1</td>
<td>Reservation of Funds: The SEA has a system in place that enables it to account for: (1) Funds reserved for State administration (2) Funds reserved to provide technical assistance and other State level activities (3) Funds reserved for immigrant activities, and (4) Funds that become available for reallocation</td>
<td>Fiscal Report Forthcoming</td>
<td>7</td>
</tr>
<tr>
<td>Element 2.2</td>
<td>Allocations, Reallocations, and Carryover: The SEA complies with— • The procedures for Title III allocations outlined in Section 3114 • The procedures for allocating funds for immigrant children and youth programs as outlined in Section 3114(d) • The reallocation provisions in Section 3114(c)</td>
<td>Finding: Further Action Required</td>
<td>7</td>
</tr>
<tr>
<td>Element 2.3</td>
<td>Supplement not Supplant: The SEA ensures that Title III funds are used only to supplement or increase Federal, State, and local funds used for the education of participating children and not to supplant those funds</td>
<td>Fiscal Report Forthcoming</td>
<td>7</td>
</tr>
<tr>
<td>Element 2.4</td>
<td>Equipment and Real Property: The SEA ensures that equipment is procured at a reasonable cost and is necessary for the performance of the Federal award. Title III funds cannot be used to acquire real property</td>
<td>Fiscal Report Forthcoming</td>
<td>8</td>
</tr>
<tr>
<td>Element 2.5</td>
<td>Other Fiduciary Items: Other items reviewed under the Improper Payments Information Act of 2002 that were not specifically included in Elements 2.1, 2.2, 2.3, and 2.4</td>
<td>Finding: Further Action Required</td>
<td>8</td>
</tr>
</tbody>
</table>

**Fiduciary**

Fiscal Report Forthcoming
**ELP Standards, Assessments and Accountability**

<table>
<thead>
<tr>
<th>Element Number</th>
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<tbody>
<tr>
<td>Element 3.1</td>
<td>English Language Proficiency (ELP) Standards: State English language proficiency standards have been developed, adopted, disseminated, and implemented</td>
<td>Reviewed: Recommendation</td>
<td>8</td>
</tr>
<tr>
<td>Element 3.2</td>
<td>ELP Assessments: ELP assessments have been administered to all LEP students in the State in grades K-12. Accountability through data collection has been implemented</td>
<td>Reviewed</td>
<td>8</td>
</tr>
<tr>
<td>Element 3.3</td>
<td>New English Language Proficiency Assessment: Transition to new ELP assessment or revision of the current State ELP assessment, if applicable</td>
<td>Reviewed</td>
<td>8</td>
</tr>
<tr>
<td>Element 3.4</td>
<td>Annual Measurable Achievement Objectives (AMAOs): AMAOs have been developed and AMAO determinations have been made for Title III-served LEAs</td>
<td>Finding Cited in Attachment T Conditions</td>
<td>9</td>
</tr>
<tr>
<td>Element 3.5</td>
<td>Data Collection: The State established and implemented clear criteria for the administration, scoring, analysis, and reporting components of its ELP assessments, and the State has a system for monitoring and improving the ongoing quality of its assessment systems. Data system is in place to meet all Title III data requirements, including capacity to follow Title III-served students for two years after exiting; State approach to following ELP progress and attainment over time.</td>
<td>Reviewed</td>
<td>9</td>
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<td>Element 4.1</td>
<td>State Level Activities: Using funds reserved for State level activities, the State carries out one or more activities that may include: • Professional development • Planning, evaluation, administration and interagency coordination • Promoting parental and community participation • Providing recognition to subgrantees that have exceeded AMAO requirements</td>
<td>Reviewed: Commendation</td>
<td>9</td>
</tr>
<tr>
<td>Element 4.2</td>
<td>Required Subgrantee Activities: The LEA/subgrantee is responsible for increasing the English proficiency of LEP students by providing high-quality language instructional programs and high quality professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instructional programs), principals, administrators, and other school or community-based personnel</td>
<td>Reviewed</td>
<td>9</td>
</tr>
<tr>
<td>Element 4.3</td>
<td>Authorized Subgrantee Activities: The LEA may use the funds by undertaking one or more authorized activities</td>
<td>Reviewed</td>
<td>10</td>
</tr>
<tr>
<td>Element 4.4</td>
<td>Activities by Agencies Experiencing Substantial Increases in Immigrant Children and Youth: The subgrantee receiving funds under Section 3114 (d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth</td>
<td>Finding: Further Action Required</td>
<td>10</td>
</tr>
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<tr>
<td>Element 5.1</td>
<td>Application: The SEA ensures that its LEAs comply with the provision for submitting an application to the SEA (Section 3116(a))</td>
<td>Finding: Further Action Required</td>
<td>10</td>
</tr>
<tr>
<td>Element 5.2</td>
<td>Private School Participation: LEAs are complying with NCLB requirements regarding participation of LEP students and teachers in private schools under Title III</td>
<td>Reviewed</td>
<td>11</td>
</tr>
<tr>
<td>Element 5.3</td>
<td>Teacher English Fluency: Certification of teacher fluency requirement in English and any other language used for instruction (Section 3116(c))</td>
<td>Reviewed</td>
<td>11</td>
</tr>
</tbody>
</table>

**State Monitoring of Subgrantees**

| Element 6.1    | Monitoring: The SEA conducts monitoring of its subgrantees sufficient to ensure compliance with Title III program requirements | Reviewed                  | 11   |

**Parental Notification**

| Element 7.1    | Parental Notification: Provisions for identification and placement and for failure to meet the AMAOs; notification in an understandable format (Section 3302) | Finding Cited in Attachment T Conditions | 11   |
State Submissions

Element 1.1- State Submissions

The Delaware Department of Education (DEDOE) received an Attachment T that specifies the conditions governing its Title III Part A grant award made on July 1, 2007. Please refer to the Attachment T (copy attached) for an explanation of findings specific to Element 1.1.

Citation: Sections 3121(c)(1), 3122(a)(3)(A)(i)-(iii), 3123(a), 34 CFR 80.40

Fiduciary

Element 2.1 – Reservation of Funds

Fiscal Report Forthcoming

Citation: Sections 3111, 3114, 3115, and 3116

Element 2.2 – Allocations, Reallocations, and Carryover

Finding: The DEDOE did not comply with the requirement in Section 3114(b) to award a subgrant under 3114(a) of at least $10,000. The State designated itself the lead entity for a consortium that included all LEAs that enrolled LEP students, and awarded funds to LEAs that were not eligible to receive a subgrant of at least $10,000. Under Section 3141, the term eligible entity is defined as (1) one or more local educational agencies; or (2) one or more local educational agencies, in collaboration with an institution of higher education, community-based organization, or State educational agency. A State educational agency is not an eligible entity under Section 3141.

Further action required: The DEDOE must adhere to the definition of eligible entity as defined under Section 3141. The State must award subgrants in school year 2007-2008 and in subsequent years only to LEAs or consortiums of LEAs that are eligible to receive at least $10,000. The State must submit to ED evidence of compliance with this requirement.

Citation: Sections 3114 and 3115

Element 2.3 – Supplement not Supplant

Fiscal Report Forthcoming

Citation: Section 3115(g)
Element 2.4 – Equipment and Real Property

Fiscal Report Forthcoming

Citation: OMB Circular A-87

Element 2.5 - Other Fiduciary Items

Finding: The DEDOE did not provide information or documentation related to the amount of Title III funds that are used for the Title III Coordinator’s salary. The State also did not provide the percentage of time that the Title III Coordinator devotes to carrying out Title III activities.

Further action required: The DEDOE must submit to ED information and documentation on the amount of Title III funds used for the Title III Coordinator’s salary, and the percentage of time that the Title III Coordinator devotes to Title III activities.

Citation: OMB Circular A-87; EDGAR 76.533, 80.32

ELP Standards, Assessments, and Accountability

Element 3.1 - ELP Standards

Reviewed: The DEDOE demonstrated that it has a process in place that addresses the requirements in Section 3113. However, the State did not provide evidence that Title III subgrantees are implementing the ELP standards.

Recommendation: The ED team recommends that the DEDOE provide additional guidance and assistance to LEAS on implementation of the State English language proficiency standards.

Citation: Sections 3113 and 3116

Element 3.2 - ELP Assessments

Reviewed: The DEDOE provided evidence that there is a process in place to ensure that all LEP students are administered the annual English language proficiency assessment.

Citation: Sections 3113 and 3116

Element 3.3 – New English Language Proficiency Assessment

Reviewed

Citation: Section 3113
Element 3.4 – Annual Measurable Achievement Objectives (AMAOs)

The DEDOE received an Attachment T that specified conditions governing its Title III Part A grant award made on July 1, 2007. Please refer to the Attachment T (copy attached) for an explanation of findings specific to Element 3.4.

Citation: Sections 3122 and 3302

Element 3.5 – Data Collection

Reviewed

Citation: Sections 3113, 3121, and 3122

State Level Activities; LEA Authorized and Required Activities; Immigrant Children and Youth

Element 4.1 – State Level Activities

Reviewed: The DEDOE provided evidence that it has provided technical assistance and professional development activities related to Title III requirements.

Commendation: The State conducts an annual Summer Institute for English as a second language (ESOL) teacher, mainstream and special education teachers, counselors and other educators involved in the education of LEP students. The 2006 Summer Institute was co-sponsored with the University of Delaware and participants were offered the opportunity to earn three credits toward licensure.

Citation: Section 3111

Element 4.2 – Required Subgrantee Activities

Reviewed: Title III subgrantees provided evidence that Title III funds are being used to carry out both professional development and language instruction educational programs to increase the English language proficiency and academic achievement of LEP students.

Citation: Section 3115(c)
Element 4.3 – Authorized Subgrantee Activities

Reviewed: Title III subgrantees provided evidence of implementation of authorized activities to increase the English proficiency and academic achievement of LEP students. These activities include tutorials, summer school programs, and parent and community outreach and training activities.

Citation: Section 3115(d)

Element 4.4 – Activities by Agencies Experiencing Substantial Increases in Immigrant Children and Youth

Finding: The DEDOE did not ensure that LEAs that are awarded funds under Section 3114(d)(1) use the funds for activities that provide enhanced instructional opportunities for immigrant children and youth. Indian River School District was unable to specify how it uses funds awarded under 3114(d)(1) to enhance instructional opportunities for immigrant children and youth.

Further action required: The DEDOE must disseminate guidance to LEAs to ensure that funds awarded under 3114(d)(1) are used to pay for enhanced instructional opportunities for immigrant children and youth as defined in Section 3301(6). The State must submit evidence that it has disseminated this guidance.

Citation: Section 3115(e)

State Review of Local Plans

Element 5.1 – State Review of Local Plans

Finding: The DEDOE’s LEA Consolidated Application for Federal and State funds does not include enough information about Title III requirements. As a result, LEA applications do not include plans that specify how the LEAs will use Title III LEP and immigrant funds.

Further action required: The State must revise the LEA Consolidated Application to include complete information about Title III requirements.

Citation: Section 3116
Element 5.2 – Private School Participation

Reviewed: Title III subgrantees provided evidence of compliance with the requirement to provide equitable services to LEP students and their teachers in non-public schools.

Citation: Section 9501

Element 5.3 – Teacher English Fluency

Reviewed: The State’s Standard Certificate for Bilingual K-12 teachers includes the requirement to demonstrate oral and written proficiency in English and the target language of the language instructional program.

Citation: Section 3116(c)

State Monitoring of Subgrantees

Element 6.1 – State Monitoring of Subgrantees

Reviewed: The DEDOE has implemented a Quality Review process to monitor districts and charter schools that receive Federal funds. The State provided evidence that its Quality Review process includes monitoring Title III subgrantees.

Citation: Section 3113; 34 CFR 80.40

Parental Notification

Element 7.1 – Parental Notification

Delaware received an Attachment T that specified conditions governing its Title III Part A grant award made on July 1, 2007. Please refer to the Attachment T (copy attached) for an explanation of findings specific to Element 7.1.

Citation: Section 3302